IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition No.18977 of 1999

Dated: 24-04-2007

Between:

1. Vojjala Sambaiah, s/o late Seetharam,
   r/o Asifabad, Adilabad District and 2 others.

... Petitioners

and

The Sub-Collector/Land Acquisition Officer,
Asifabad,
Adilabad District.

... Respondent

ORDER:

Heard learned counsel for the parties.

2. Petitioners state that their ancestral property in an extent of Acs.11-23 gts. in Sy.No.25/A, B, C situated at Ankusapur village, Asifabad Mandal, Adilabad District was acquired by the Government for the purpose of providing house sites to the weaker sections in the Society. After conducting necessary enquiry, respondent passed award bearing No.B/453/96, dated 18-12-1996 fixing an amount of

Rs.3,500/- per acre towards compensation. They received the amount of compensation on
18-12-1996, but made protest on 03-01-1997. As respondent had not referred the matter to the Civil Court as contemplated under Section 18 of the Land Acquisition Act, 1894 (for short, 'the Act') they filed W.P.No.5742 of 1998 and this Court disposed of the said writ petition on 10-03-1998 directing respondent to decide their applications in accordance with law. The respondent issued a Memo in Rc.No.B/53/99, dated 08-01-1999 stating that as they have received the amount without any protest,
their request is negatived. Aggrieved thereby, they approached this Court and filed the present writ petition.

3. Despite the fact that notices are served, respondents have not chosen to file any counter affidavit.

4. Admittedly, the award was passed on 18-12-1996 and petitioners gave an application seeking reference under Section 18 of the Act on
03-01-1997. Now according to learned counsel for petitioners, respondents have not considered the said application seeking reference on the sole ground that at the time when petitioners received compensation they have not made any protest. In fact, this aspect is clearly covered by a judgment of this Court in **N. SANGAIAH v. SPECIAL DEPUTY COLLECTOR (LA)**[1]. The legal position that clearly emerged in the said writ petition is that there is no particular mode, method and manner for expressing protest by a claimant at the time of receiving of the compensation awarded under Section 11 of the Act and the protest may be either oral or written and the very

application filed under Section 18 of the Act for reference within the period of limitation provided for under Section 11 of the Act itself makes it amply clear that petitioners have made the required protest.

5. In the light of the same, this Court has no hesitation that petitioners are entitled to seek reference and accordingly, respondent is directed to refer the matter to a competent Civil Court as provided for under Section 18 of the Act.

6. Accordingly, the writ petition is allowed and the Memo in Rc.No.B/53/99, dated 08-01-1999 is hereby set aside. No costs.

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JUSTICE GOPALAKRISHNA TAMADA

Dt.24-04-2007
GLV

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[1] 1999 (4) ALT 691